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Motorola/ McKinney Phillips LLC 1440 W. Taylor St. Suite 749 Chicago, IL 60607			CUTLER, ALBERT H	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HAI LONG and LEI PENG

Appeal 2019-003821
Application 15/228,307
Technology Center 2600

Before ALLEN R. MacDONALD, ERIC B. CHEN, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

ENGLE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–8, 10–17, 19, and 20, which are all of the claims pending in the application. Claims 9 and 18 were previously canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies Motorola Mobility LLC as the real party in interest. Appeal Br. 2.

TECHNOLOGY

The application relates to “enabling a selective partial view enlargement on a display screen of a portable electronic communication device.” Spec. ¶ 1.

ILLUSTRATIVE CLAIM

Claim 1 is illustrative and reproduced below with certain limitations at issue emphasized:

1. An image capture device comprising:

camera hardware to generate image data, the camera hardware including at least one image capture element, at least one lens and at least one aperture;

a device display linked to the camera hardware to display the generated image data, creating a displayed image;

a camera memory medium configured to record data representing an image corresponding to the generated image data; and

a non-volatile device memory medium having stored therein instructions for instantiating a camera application, the camera application being configured to receive a user request to enlarge a selected portion of the displayed image, and in response to modify the recorded image data such that the image corresponding to the modified recorded image contains an enlarged view of the selected portion, and write the modified recorded image data to the device display, and *to write the modified recorded image data to the non-volatile device memory medium upon receiving a user selection to take a picture.*

REFERENCES

The Examiner relies on the following prior art references:

Name	Number	Date
Anderson	US 5,973,734	Oct. 26, 1999
Hiratsuka	US 2008/0297638 A1	Dec. 4, 2008
Maniwa	US 2009/0185064 A1	July 23, 2009
Shida	US 2007/0097226 A1	May 3, 2007
Stec	US 2011/0141300 A1	June 16, 2011
Suzuki	US 2010/0013977 A1	Jan. 21, 2010
Yamazaki	US 2017/0034421 A1	Feb. 2, 2017

REJECTIONS

The Examiner makes the following rejections under 35 U.S.C. § 103:

Claims	References	Final Act.
1–5, 14–16, 19	Maniwa, Suzuki, Shida	4
6, 17	Maniwa, Suzuki, Shida, Yamazaki	15
7	Maniwa, Suzuki, Shida, Hiratsuka	14
8, 10, 11	Maniwa, Suzuki	11
12	Maniwa, Suzuki, Yamazaki	17
13	Maniwa, Suzuki, Anderson	18
20	Maniwa, Suzuki, Shida, Stec	19

ISSUE

Did the Examiner err in finding the combination of Maniwa and Suzuki teaches or suggests “to write the modified recorded image data to the non-volatile device memory medium upon receiving a user selection to take a picture,” as recited in claim 1?

ANALYSIS

Appellant argues that “every pending claim in the instant application requires that the image with the enlarged portion **must be captured**” and that “the Examiner has expressly admitted that in his combination, the image

with an enlarged portion ‘**is not** captured’!” Appeal Br. 10–11 (quoting Final Act. 3).

This argument is not persuasive. As the Examiner points out, claim 1 recites to “write” the modified recorded image data, not to “capture” it.

Ans. 21. Here, Suzuki teaches writing the modified recorded image data. Suzuki ¶ 71 (“The controlling unit 12 creates an overlapped image in which the image generated by the image-capturing unit 10 *and the above-stated tracking object checking image* are overlapped *and records it to the recording unit 15.*” (emphasis added)).

Further, Appellant’s partial quotation of the Examiner is taken out of context. In context, the Examiner correctly explains that the full image is obtained with an image sensor (i.e., “captured”), then the enlarged portion is generated from that full image. Ans. 20–21; Final Act. 3 (“the image with the enlarged portion taught by Suzuki is not captured, but rather is created by altering the image generated (i.e. captured) by the image-capturing unit”).

Appellant also argues that Suzuki’s “overlapped” image contains “something that was *never* in the actual image, e.g., a thumbnail of a tracked object like a plane” rather than “an enlarged portion *of the actual image.*” Reply Br. 2. However, Suzuki expressly teaches that “[t]he tracking object checking image is an image partially enlarging a subject,” such as by “cutting out a part of the through image and digitally enlarging it.” Suzuki ¶ 29. Figures 4 through 6 of Suzuki show examples enlarging a portion of the full image.

Appellant further argues “if we were to modify Maniwa to capture (write to *nonvolatile* memory) an image that *still includes* the enlarged portion shown in the focus-check preview, the now-permanent enlarged

portion would obscure other portions of the image that were meant to be captured” and thereby “defeat the very purpose of Maniwa, i.e., to check an enlarged sample from the image to determine a focus state for the entire image!” Appeal Br. 10 (citing only Maniwa ¶ 8). This argument is not persuasive. First, we are not persuaded based upon Appellant’s sole citation that Maniwa’s intended purpose or principle of operation is limited to keeping an “entire image.” *See* Maniwa ¶ 8. Second, as the Examiner correctly points out, “the display of the modified image (i.e. in step 104 . . .) is separate from the image capture and recording of the regular image (i.e. in steps 108-110 . . .)” and therefore “[t]he combination with Suzuki only involves storing the modified image of step 104 of Maniwa, and has no impact on storing the captured regular image of step 108 of Maniwa.” Ans. 20 (discussing Maniwa Fig. 3).

Accordingly, we sustain the Examiner’s rejections of claim 1, and claims 2–8, 10–17, 19, 20, which Appellant argues are patentable for similar reasons. *See* Appeal Br. 11–12; 37 C.F.R. § 41.37(c)(1)(iv).

OUTCOME

The following table summarizes the outcome of each rejection:

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1–5, 14–16, 19	103	Maniwa, Suzuki, Shida	1–5, 14–16, 19	
8, 10, 11	103	Maniwa, Suzuki	8, 10, 11	
7	103	Maniwa, Suzuki, Shida, Hiratsuka	7	
6, 17	103	Maniwa, Suzuki, Shida, Yamazaki	6, 17	
12	103	Maniwa, Suzuki, Yamazaki	12	
13	103	Maniwa, Suzuki, Anderson	13	
20	103	Maniwa, Suzuki, Shida, Stec	20	
OVERALL			1–8, 10–17, 19, 20	

TIME TO RESPOND

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.36(a)(1)(iv).

AFFIRMED